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Paper 4/6

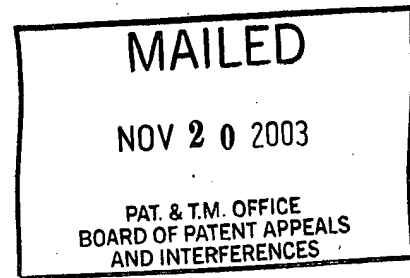
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

LEE JAMES BEELEY,
KELLY PAINE, and ROBERT JAMES GODDEN
Junior Party
(Patent No. 6,187,560¹),

v.

QINGYUN LIU
and FANG CHEN,
Senior Party
(Application No. 09/081,737²).



Patent Interference No. 105,166

Before LANE, MEDLEY, and NAGUMO, Administrative Patent Judges.

NAGUMO, Administrative Patent Judge.

JUDGMENT AGAINST BEELEY
(37 CFR § 1.662)

¹ based on application 09/142,565, which has been accorded § 371 and § 102(e) dates of 30 June 1999. Patentee claims the benefit under 35 U.S.C. § 119 of EP 97-305,305 (filed 16 July 1997), GB 97-056124 (filed 18 March 1997), and GB 97-04551 (5 March 1997).

² Applicant claims the benefit of priority under 35 U.S.C. § 120 of 60/069,141 (filed 9 December 1997) and 60/047,179 (filed 20 May 1997).

A. Background

On 19 November 2003, Beeley filed "Beeley response to notice declaring interference," in which Beeley stated, "In response to the Notice Declaring Interference dated November 4, 2003, notice is hereby provided by the Party Beeley that it will not contest or enter any appearance or evidence in the above identified interference." (Paper 3 at 2.)

This notice is accepted as a request for adverse judgment.

B. Order

In view of Beeley's request for adverse judgment, it is:

ORDERED that judgment is entered against junior party LEE JAMES BEELEY, KELLY PAINE, and ROBERT JAMES GODDEN. 37 CFR § 1.662.

FURTHER ORDERED that judgment on priority as to Count 1 (paper 1 at 5) is awarded against junior party LEE JAMES BEELEY, KELLY PAINE, and ROBERT JAMES GODDEN.

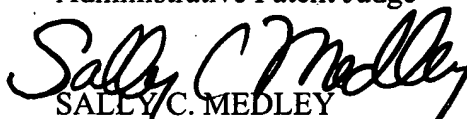
FURTHER ORDERED that junior party LEE JAMES BEELEY, KELLY PAINE, and ROBERT JAMES GODDEN is not entitled to a patent containing claims 10–12 of U.S. Patent No. 6,187,560. 35 U.S.C. § 102(g).

FURTHER ORDERED that a copy of this shall be made of record in the application file of Beeley patent 6,187,560 and Liu application 09/081,737.

FURTHER ORDERED that if there is a settlement agreement, attention is
directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.



SALLY GARDNER LANE
Administrative Patent Judge



SALLY C. MEDLEY
Administrative Patent Judge



MARK NAGUMO
Administrative Patent Judge

BOARD OF
PATENT APPEALS
AND
INTERFERENCES

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